

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Maynard Akeem Sanders,

Plaintiff,

v.

Bureau of Prisons,

Defendant.

Civil Action No. 5:21-225-BHH

ORDER

This matter is before the Court upon Plaintiff Maynard Akeem Sanders' ("Plaintiff") complaint filed pursuant to 42 U.S.C. § 1983 in light of the COVID-19 pandemic. In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.), the matter was referred to a United States Magistrate Judge for preliminary determinations.

On February 9, 2021, Magistrate Judge Kaymani D. West issued a Report and Recommendation ("Report") outlining the history of this action and recommending that the Court summarily dismiss this action without issuance and service of process as the court does not have jurisdiction to grant Plaintiff relief. Plaintiff is seeking a reduction in sentence or compassionate release, and is required to file an action in the district court where he was sentenced. Attached to the Magistrate Judge's Report was a notice advising Plaintiff of the right to file written objections to the Report within fourteen days of being served with a copy. To date, no objections have been filed.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination only of those portions of the Report to

which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” (quoting Fed. R. Civ. P. 72 advisory committee’s note)).

Here, because no objections were filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. After review, the Court finds no clear error and agrees with the Magistrate Judge’s analysis.

Accordingly, the Court adopts and specifically incorporates the Magistrate Judge’s Report (ECF No. 22), and the Court summarily dismisses Plaintiff’s complaint without issuance and service of process for the reasons set forth in the Report.

IT IS SO ORDERED.

/s/Bruce H. Hendricks
United States District Judge

March 3, 2021
Charleston, South Carolina